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8                   UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA  
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10 DAVID BEACHEM,  
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12                   Plaintiff,

13                   v.  
14 WASHINGTON STATE DEPARTMENT OF  
CORRECTIONS *et al.*,

15                   Defendants.

Case No. C08-5185FDB/JKA

ORDER TO SHOW CAUSE

16  
17       This civil rights action has been referred to the undersigned Magistrate Judge pursuant to Title 28  
18 U.S.C. § 636(b)(1)(B). Plaintiff was given leave to proceed *in forma pauperis*. Review of plaintiff's  
19 proposed complaint discloses a defect.

20       Plaintiff states in the complaint he did not complete the grievance process on the issues in this  
21 action (Dkt. # 1). The Prison Litigation Reform Act ("PLRA") requires exhaustion of administrative  
22 remedies prior to filing a complaint in federal court. The relevant portion of the act states:

23       No action shall be brought with respect to prison conditions under section 1983 of this title,  
24 or any other Federal law, by a prisoner confined in any jail, prison, or other correctional  
facility until such administrative remedies as are available are exhausted.

25 42 U.S.C. § 1997e(a).

26       Here, plaintiff filed this action while incarcerated and the act applies to him. The United States  
27 Supreme Court determined that Congress enacted the provision in order to reduce the quantity and improve the  
28

ORDER

1 quality of prisoner suits. Porter v. Nussle, 534 U.S. 516 (2002). By mandating exhaustion, Congress enabled  
2 corrections officials to address prisoner complaints internally. Where exhaustion was once discretionary, it is  
3 now mandatory. “All ‘available’ remedies must now be exhausted; those remedies need not meet federal  
4 standards, nor must they be ‘plain, speedy, and effective.’” Porter v. Nussle, 534 U.S. 516 (2002) (quoting  
5 Booth v. Churner, 532 U.S. 731, 739 (2001)). The Porter Court ruled that “§ 1997e(a)’s exhaustion  
6 requirement applies to all prisoners seeking redress for prison circumstances or occurrences.” Porter, 534 U.S.  
7 at 520.

8 The court now **ORDERS PLAINTIFF TO SHOW CAUSE** why this action should not be  
9 dismissed prior to service. Plaintiff should show cause why this action should not be dismissed for failure  
10 to exhaust administrative remedies on or before **May 2, 2008**. The Clerk is directed to send plaintiff a  
11 copy of this to plaintiff and note the **May 2, 2008**, due date on the court’s calendar.

13 DATED this 2 day of April, 2008.  
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15 /S/ *J. Kelley Arnold*  
16 J. Kelley Arnold  
17 United States Magistrate Judge  
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ORDER